

**§ 943c. Authorization of appropriations**

There is authorized to be appropriated to the Secretary, \$250,000 for each of fiscal years 1993 and 1994 to carry out this chapter.

(Pub. L. 102-440, title II, §205, Oct. 23, 1992, 106 Stat. 2234.)

**CHAPTER 16—TUNA CONVENTIONS**

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**§ 951. Definitions**

In this chapter:

**(1) Antigua Convention**

The term “Antigua Convention” means the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, signed at Washington, November 14, 2003.

**(2) Commission**

The term “Commission” means the Inter-American Tropical Tuna Commission provided for by the Convention.

**(3) Convention**

The term “Convention” means—

(A) the Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica;

(B) the Antigua Convention, upon its entry into force for the United States, and any amendments thereto that are in force for the United States; or

(C) both such Conventions, as the context requires.

**(4) Person**

The term “person” means an individual, partnership, corporation, or association subject to the jurisdiction of the United States.

**(5) United States**

The term “United States” includes all areas under the sovereignty of the United States.

**(6) United States Commissioners**

The term “United States commissioners”<sup>1</sup> means the individuals appointed in accordance with section 952(a) of this title.

(Sept. 7, 1950, ch. 907, §2, 64 Stat. 777; Pub. L. 87-814, §1, Oct. 15, 1962, 76 Stat. 923; Pub. L. 114-81, title II, §203, Nov. 5, 2015, 129 Stat. 660.)

**AMENDMENTS**

2015—Pub. L. 114-81 amended section generally. Prior to amendment, section defined terms for this chapter. 1962—Subsec. (e). Pub. L. 87-814 substituted definition of “United States” for definition of “enforcement agency”.

**EFFECTIVE DATE**

Act Sept. 7, 1950, ch. 907, §14, 64 Stat. 780, provided: “This Act [this chapter] shall take effect with respect to each of the conventions upon the entry into force of that convention, unless such entry into force shall be prior to the date of approval of this Act [Sept. 7, 1950] in which case this Act [this chapter] shall take effect immediately.” The Costa Rican convention was ratified on March 3, 1950, and the Mexican convention on July 11, 1950. Therefore, the act took effect upon its approval on Sept. 7, 1950.

**SHORT TITLE OF 2015 AMENDMENT**

Pub. L. 114-81, title II, §201, Nov. 5, 2015, 129 Stat. 660, provided that: “This title [amending sections 951 to 953, 955, 957, 959, and 962 of this title and repealing chapter 16B of this title and provisions set out as a note under section 972 of this title] may be cited as the ‘Antigua Convention Implementing Act of 2015’.”

**SHORT TITLE**

Act Sept. 7, 1950, ch. 907, §1, 64 Stat. 777, provided: “That this Act [enacting this chapter] may be cited as the ‘Tuna Conventions Act of 1950’.”

**SEPARABILITY**

Act Sept. 7, 1950, ch. 907, §13, 64 Stat. 780, provided: “If any provision of this Act [this chapter] or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.”

**LANDING OF CATCH OF FISH BY FOREIGN VESSELS**

Pub. L. 87-814, §6, Oct. 15, 1962, 76 Stat. 926, provided that: “Nothing in this Act [amending this section and sections 955 to 957, 959 of this title] shall be construed to amend or repeal the provisions of section 4311 of the Revised Statutes, as amended ([former] 46 U.S.C. [App.] 251) [see 46 U.S.C. 55114].”

**§ 952. Commissioners****(a) Commissioners**

The United States shall be represented on the Commission by four United States Commissioners. The President shall appoint individuals to serve on the Commission. The United States Commissioners shall be subject to supervision and removal by the Secretary of State, in consultation with the Secretary. In making the appointments, the President shall select United States Commissioners from among individuals who are knowledgeable or experienced concerning highly migratory fish stocks in the eastern tropical Pacific Ocean, one of whom shall be an officer or employee of the Department of Commerce. Not more than two United States Commissioners may be appointed who reside in a State other than a State whose vessels maintain a substantial fishery in the area of the Convention.

**(b) Alternate Commissioners**

The Secretary of State, in consultation with the Secretary, may designate from time to time

<sup>1</sup> So in original. Probably should be capitalized.

and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise, at any meeting of the Commission or of the General Advisory Committee or Scientific Advisory Subcommittee established pursuant to section 953(b) of this title, all powers and duties of a United States Commissioner in the absence of any United States Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

**(c) Administrative matters**

**(1) Employment status**

Individuals serving as United States Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

**(2) Compensation**

The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as United States Commissioners or Alternate Commissioners.

**(3) Travel expenses**

(A) The Secretary of State shall pay the necessary travel expenses of United States Commissioners and Alternate United States Commissioners to meetings of the Inter-American Tropical Tuna Commission and other meetings the Secretary of State deems necessary to fulfill their duties, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5.

(B) The Secretary may reimburse the Secretary of State for amounts expended by the Secretary of State under this subsection.

(Sept. 7, 1950, ch. 907, § 3, 64 Stat. 777; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 102-523, § 3(a)(1), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, § 7(a), Aug. 15, 1997, 111 Stat. 1137; Pub. L. 106-562, title III, § 302, Dec. 23, 2000, 114 Stat. 2806; Pub. L. 114-81, title II, § 204, Nov. 5, 2015, 129 Stat. 660.)

AMENDMENTS

2015—Pub. L. 114-81 amended section generally. Prior to amendment, section related to number, appointment, and qualification of United States Commissioners.

2000—Pub. L. 106-562 inserted after first sentence “Individuals serving as such Commissioners shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.”

1997—Subsec. (c). Pub. L. 105-42, which directed the general amendment of section 3(c) of the Tuna Convention Act, was executed by making the amendment to subsec. (c) of this section, to reflect the probable intent

of Congress. Prior to amendment, subsec. (c) read as follows: “at least one shall be an officer of the Department of Commerce; and”.

1992—Par. (d). Pub. L. 102-523 added par. (d).

EFFECTIVE DATE OF 1997 AMENDMENT

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 of this title.

ALTERNATE UNITED STATES COMMISSIONERS

For additional provisions relating to the designation of Alternate United States Commissioners, see sections 2672a and 2672b of Title 22, Foreign Relations and Intercourse.

**§ 953. General Advisory Committee and Scientific Advisory Subcommittee**

**(a) General Advisory Committee**

**(1) Appointments; public participation; compensation**

(A) The Secretary, in consultation with the Secretary of State, shall appoint a General Advisory Committee which shall consist of not more than 25 individuals who shall be representative of the various groups concerned with the fisheries covered by the Convention, including nongovernmental conservation organizations, providing to the maximum extent practicable an equitable balance among such groups. Members of the General Advisory Committee will be eligible to participate as members of the United States delegation to the Commission and its working groups to the extent the Commission rules and space for delegations allow.

(B) The chair of the Pacific Fishery Management Council's Advisory Subpanel for Highly Migratory Fisheries and the chair of the Western Pacific Fishery Management Council's Advisory Committee shall be ex-officio members of the General Advisory Committee by virtue of their positions in those Councils.

(C) Each member of the General Advisory Committee appointed under subparagraph (A) shall serve for a term of 3 years and is eligible for reappointment.

(D) The General Advisory Committee shall be invited to attend all non-executive meetings of the United States delegation and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission.

(E) The General Advisory Committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this chapter, the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The General Advisory Committee shall publish and make available to the public a statement of its organization, practices, and procedures. Meetings of the General Advisory Committee, except when in executive session, shall be open to the public, and prior notice of meetings shall be made public in timely fashion. The General Advisory Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

**(2) Information sharing**

The Secretary and the Secretary of State shall furnish the General Advisory Committee

with relevant information concerning fisheries and international fishery agreements.

**(3) Administrative matters**

(A) The Secretary shall provide to the General Advisory Committee in a timely manner such administrative and technical support services as are necessary for its effective functioning.

(B) Individuals appointed to serve as a member of the General Advisory Committee—

(i) shall serve without pay, but while away from their homes or regular places of business to attend meetings of the General Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5; and

(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.

**(b) Scientific Advisory Subcommittee**

(1) The Secretary, in consultation with the Secretary of State, shall appoint a Scientific Advisory Subcommittee of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations.

(2) SCIENTIFIC ADVISORY SUBCOMMITTEE.—

(A) ADVICE.—The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including—

- (i) the conservation of ecosystems;
- (ii) the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and
- (iii) the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean.

(B) OTHER FUNCTIONS AND ASSISTANCE.—The Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners, or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include—

- (i) the review of data from the Program, including data received from the Inter-American Tropical Tuna Commission;
- (ii) recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research;
- (iii) recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments;
- (iv) consulting with other experts as needed; and

(v) recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or its equivalent).

(3) ATTENDANCE AT MEETINGS.—The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Committee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

(Sept. 7, 1950, ch. 907, § 4, 64 Stat. 778; Pub. L. 102-523, § 3(a)(2), Oct. 26, 1992, 106 Stat. 3433; Pub. L. 105-42, § 7(b), Aug. 15, 1997, 111 Stat. 1137; Pub. L. 114-81, title II, § 205, Nov. 5, 2015, 129 Stat. 661.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1)(E), was in the original “this title” and was translated as reading “this Act” to reflect the probable intent of Congress. Act Sept. 7, 1950, which comprises this chapter, does not contain titles.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a)(1)(E), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified generally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (a)(1)(E), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-81, § 205(1), added subsec. (a) and struck out former subsec. (a), which related to General Advisory Committee appointment, public participation, and compensation.

Subsec. (b). Pub. L. 114-81, § 205(2), substituted “Scientific Advisory Subcommittee” for “Functions” in heading.

Subsec. (b)(1). Pub. L. 114-81, § 205(2), added par. (1) and struck out former par. (1) which read as follows: “The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the Commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.”

Subsec. (b)(3). Pub. L. 114-81, § 205(3), substituted “General Advisory Committee” for “General Advisory Subcommittee”.

1997—Pub. L. 105-42 which directed insertion of catchline and general amendment of text of section 4 of the Tuna Conventions Act, was executed to this section, to reflect the probable intent of Congress. Prior to amendment, text read as follows: “The United States Commissioners shall (a) appoint an advisory committee which shall be composed of not less than five nor more than fifteen persons who shall be selected from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations, and (b) shall fix the terms of office of the members of such committee, who shall receive no compensation for their services as such mem-

bers. The advisory committee shall be invited to attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the commissions. The advisory committee may attend all meetings of the international commissions to which they are invited by such commissions."

1992—Pub. L. 102-523 inserted "and from nongovernmental conservation organizations," after "under the conventions,".

#### EFFECTIVE DATE OF 1997 AMENDMENT

For effective date of amendment by Pub. L. 105-42, see section 8 of Pub. L. 105-42, set out as a note under section 1362 of this title.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 954. Repealed. Pub. L. 92-471, title II, § 203(b), Oct. 9, 1972, 86 Stat. 787

Section, act Sept. 7, 1950, ch. 907, § 5, 64 Stat. 778, provided that service of individuals appointed as United States Commissioners shall not be treated as service for the purposes of certain sections of Title 18, Crimes and Criminal Procedure, and Title 5, Government Organization and Employees.

#### § 955. Rulemaking

##### (a) Regulations

The Secretary, in consultation with the Secretary of State and, with respect to enforcement measures, the Secretary of the Department in which the Coast Guard is operating, may promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this chapter, including recommendations and decisions adopted by the Commission. In cases where the Secretary has discretion in the implementation of one or more measures adopted by the Commission that would govern fisheries under the authority of a Regional Fishery Management Council, the Secretary may, to the extent practicable within the implementation schedule of the Convention and any recommendations and decisions adopted by the Commission, promulgate such regulations as may be necessary to carry out the United States international obligations under the Convention and this chapter, in accordance with the procedures established by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

##### (b) Jurisdiction

The Secretary may promulgate regulations as may be necessary to carry out the United States international obligations under the Convention and this chapter, applicable to all vessels and persons subject to the jurisdiction of the United States, including vessels documented under chapter 121 of title 46, wherever they may be operating, on such date as the Secretary shall prescribe.

(Sept. 7, 1950, ch. 907, § 6, 64 Stat. 778; Pub. L. 87-814, § 2, Oct. 15, 1962, 76 Stat. 923; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 114-81, title II, § 206, Nov. 5, 2015, 129 Stat. 663.)

#### REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§ 1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

#### AMENDMENTS

2015—Pub. L. 114-81 amended section generally. Prior to amendment, section authorized Secretary of State to act for United States.

1962—Subsecs. (a), (b). Pub. L. 87-814 substituted "Secretary of the Interior" for "head of the enforcement agency".

Subsec. (c). Pub. L. 87-814 added subsec. (c).

#### TRANSFER OF FUNCTIONS

Functions of the Secretary of the Interior transferred to the Secretary of Commerce in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in Department of the Interior and Office of Director of such Bureau; transfers of functions formerly vested by law in Secretary of the Interior or Department of the Interior which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research, Gulf Breeze Biological Laboratory, and Trans-Alaska pipeline investigations; and transfer of marine sport fish program of Bureau of Sport Fisheries and Wildlife by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 956. Inspection of returns, records, or other reports

Any person authorized to carry out enforcement activities under this chapter and any person authorized by the commissions shall have power without warrant or other process, to inspect, at any reasonable time, catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished.

(Sept. 7, 1950, ch. 907, § 7, 64 Stat. 778; Pub. L. 87-814, § 3, Oct. 15, 1962, 76 Stat. 924.)

#### AMENDMENTS

1962—Pub. L. 87-814 substituted provisions respecting inspection of returns, records, or other reports for provisions authorizing a fine not exceeding \$1,000 and proceedings for injunction against fishing for or possessing the kind of fish covered by the convention for failure to make, keep, furnish, or refusal to permit inspection of returns, records, or reports or for furnishing a false return, record, or report.

#### § 957. Violations; fines and forfeitures; application of related laws

##### (a) Fishing violations

It shall be unlawful for any master or other person in charge of a fishing vessel of the United States to engage in fishing in violation of any

regulation adopted pursuant to section 955 of this title or for any person knowingly to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of such regulations.

**(b) Failures to keep required records; failures to stop upon being hailed; refusals to permit inspections**

It shall be unlawful for the master or any person in charge of any fishing vessel of the United States or any person on board such vessel to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this chapter to be made, kept, or furnished; or to fail to stop upon being hailed by a duly authorized official of the United States; or to refuse to permit the duly authorized officials of the United States or authorized officials of the commissions to board such vessel or inspect its catch, equipment, books, documents, records, or other articles or question the persons on board in accordance with the provisions of this chapter, or the convention, as the case may be.

**(c) Import violations**

It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 955 of this title, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the commission, or any tuna in any form not under regulation but under investigation by the commission, during the period such fish have been denied entry in accordance with the provisions of section 955 of this title. In the case of any fish as described in this subsection offered for entry into the United States, the Secretary of Commerce shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 955 of this title.

**(d) Fines for subsection (a) violations**

Any person violating any provisions of subsection (a) of this section shall be fined not more than \$25,000, and for a subsequent violation of any provisions of said subsection (a) shall be fined not more than \$50,000.

**(e) Fines for subsection (b) violations**

Any person violating any provision of subsection (b) of this section shall be fined not more than \$1,000, and for a subsequent violation of any provision of subsection (b) shall be fined not more than \$5,000.

**(f) Fines for subsection (c) violations**

Any person violating any provision of subsection (c) of this section shall be fined not more than \$100,000.

**(g) Forfeitures**

All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited.

**(h) Application of related laws**

All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale

thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

**(i) Additional prohibitions and enforcement**

For prohibitions relating to this chapter and enforcement of this chapter, see section 1826g of this title.

(Sept. 7, 1950, ch. 907, § 8, 64 Stat. 779; Pub. L. 87-814, § 4, Oct. 15, 1962, 76 Stat. 924; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 114-81, title II, § 207, Nov. 5, 2015, 129 Stat. 663.)

AMENDMENTS

2015—Subsecs. (a), (c). Pub. L. 114-81, § 207(1), substituted “section 955 of this title” for “section 955(c) of this title” wherever appearing.

Subsec. (i). Pub. L. 114-81, § 207(2), added subsec. (i).

1962—Pub. L. 87-814 substituted provisions respecting violations, fines, and forfeitures, and application of related laws for provisions respecting enforcement of chapter.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior by Reorg. Plan No. 4 of 1970, see note set out under section 955 of this title.

**§ 958. Cooperation with other agencies**

**(a) Coordination of programs**

In order to provide coordination between the general annual programs of the commissions and programs of other agencies, relating to the exploration, development, and conservation of fishery resources, the Secretary of State may recommend to the United States Commissioners that they consider the relationship of the commissions’ programs to those of such agencies and when necessary arrange, with the concurrence of such agencies, for mutual cooperation between the commissions and such agencies for carrying out their respective programs.

**(b) Scientific and other programs; facilities and personnel**

All agencies of the Federal Government are authorized on request of the commissions to cooperate in the conduct of scientific and other programs, or to furnish facilities and personnel for the purpose of assisting the commissions in the performance of their duties.

**(c) Facilities and personnel to non-Federal agencies**

The commissions are authorized and empowered to supply facilities and personnel to existing non-Federal agencies to expedite research work which in the judgment of the commissions is contributing or will contribute directly to the purposes of the conventions.

(Sept. 7, 1950, ch. 907, § 9, 64 Stat. 779.)

**§ 959. Enforcement**

For enforcement of this chapter, see section 1826g of this title.

(Sept. 7, 1950, ch. 907, § 10, 64 Stat. 779; Pub. L. 87-814, § 5, Oct. 15, 1962, 76 Stat. 925; Pub. L.

90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; 1970 Reorg. Plan No. 4, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 114-81, title II, § 208, Nov. 5, 2015, 129 Stat. 663.)

#### AMENDMENTS

2015—Pub. L. 114-81 amended section generally. Prior to amendment, section related to procedures to enforce this chapter.

1962—Subsec. (a). Pub. L. 87-814 substituted provisions for issuance of process for provisions respecting arrest and execution of process, incorporated in subsecs. (c) and (d)(1) of this section.

Subsec. (b). Pub. L. 87-814 substituted provisions respecting Federal law enforcement agents for provisions relating to inspections, incorporated in section 956 of this title.

Subsec. (c). Pub. L. 87-814 substituted provisions for execution of process, formerly incorporated in subsec. (a), for provisions respecting the functioning of officers and law enforcement officers, incorporated in subsec. (b) of this section.

Subsec. (d). Pub. L. 87-814 incorporated provisions of former subsec. (a) in par. (1) and added par. (2).

Subsecs. (e), (f). Pub. L. 87-814 added subsecs. (e) and (f).

### § 960. Commissions' functions not restrained by this chapter or State laws

None of the prohibitions contained in this chapter or in the laws and regulations of the States shall prevent the commissions from conducting or authorizing the conduct of fishing operations and biological experiments at any time for the purpose of scientific investigations as authorized by the conventions, or shall prevent the commissions from discharging any of its or their functions or duties prescribed by the conventions.

(Sept. 7, 1950, ch. 907, § 11, 64 Stat. 779.)

### § 961. Authorization of appropriations

There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of each convention and of this chapter, including—

(a) contributions to each commission for the United States share of any joint expenses of the commission and the expenses of the United States Commissioners and their staff, including personal services in the District of Columbia and elsewhere;

(b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 of title 5, or section 5731(a) of title 5;

(c) printing and binding without regard to section 501 of title 44 or section 6101 of title 41;

(d) stenographic and other services by contract, if deemed necessary, without regard to section 6101 of title 41; and

(e) purchase, hire, operation, maintenance, and repair of aircraft, motor vehicles (including passenger-carrying vehicles), boats and research vessels.

(Sept. 7, 1950, ch. 907, § 12, 64 Stat. 780.)

#### CODIFICATION

In subsec. (b), “subchapter I of chapter 57 of title 5, or section 5731(a) of title 5” substituted for “the Travel

Expense Act of 1949, or section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In subsec. (c), “section 501 of title 44 or section 6101 of title 41” substituted for “section 11 of the Act of March 1, 1919 (U.S.C., title 44, sec. 111), or section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)” on authority of Pub. L. 90-620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, which Act enacted Title 44, Public Printing and Documents, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (d), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

### § 962. Reduction of bycatch in eastern tropical Pacific Ocean

The Secretary of State, in consultation with the Secretary of Commerce and acting through the United States Commissioners, shall seek, in cooperation with other nations whose vessels fish for tuna in the eastern tropical Pacific Ocean, to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The bycatch reduction program shall include measures—

(1) to require, to the maximum extent practicable, that sea turtles and other threatened species and endangered species are released alive;

(2) to reduce, to the maximum extent practicable, the harvest of nontarget species;

(3) to reduce, to the maximum extent practicable, the mortality of nontarget species; and

(4) to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.

(Sept. 7, 1950, ch. 907, § 15, as added Pub. L. 105-42, § 7(c), Aug. 15, 1997, 111 Stat. 1138; amended Pub. L. 114-81, title II, § 209, Nov. 5, 2015, 129 Stat. 664.)

#### CODIFICATION

Section 7(c) of Pub. L. 105-42, which directed the addition of this section at the end of the Tuna Conventions Act, was executed by adding this section at the end of the Tuna Conventions Act of 1950, to reflect the probable intent of Congress.

#### AMENDMENTS

2015—Pub. L. 114-81 substituted “vessels” for “vessel” in introductory provisions.

#### EFFECTIVE DATE

Section effective upon certification by Secretary of Commerce that sufficient funding is available to complete first year of study required by section 1414a(a) of this title and that study has commenced, and certification by Secretary of State to Congress that binding resolution of Inter-American Tropical Tuna Commission or other legally binding instrument establishing International Dolphin Conservation Program has been adopted and is in force, see section 8 of Pub. L. 105-42, set out as an Effective Date of 1997 Amendment note under section 1362 of this title.

## CHAPTER 16A—ATLANTIC TUNAS CONVENTION

Sec.	
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### § 971. Definitions

For the purpose of this chapter—

(1) The term “Convention” means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States.

(2) The term “Commission” means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term “conservation recommendation” means any recommendation of the Commission made pursuant to Article VIII of the Convention and acted upon favorably by the Secretary of State under section 971c(a) of this title.

(4) The term “Council” means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(5) The term “exclusive economic zone” means an exclusive economic zone as defined in section 1802 of this title.

(6) The term “fishing” means the catching, taking, or fishing for or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(7) The term “fishing vessel” means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(8) The term “Panel” means any panel established by the Commission pursuant to article VI of the Convention.

(9) The term “person” means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(10) The term “Secretary” means the Secretary of Commerce.

(11) The term “State” includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(Pub. L. 94-70, § 2, Aug. 5, 1975, 89 Stat. 385; Pub. L. 94-265, title IV, § 405(a), Apr. 13, 1976, 90 Stat. 361; Pub. L. 95-33, § 2, May 26, 1977, 91 Stat. 173; Pub. L. 104-43, title III, § 303(1), (2), Nov. 3, 1995,

109 Stat. 384; Pub. L. 105-384, title II, § 202(b)(1)(A), (F), Nov. 13, 1998, 112 Stat. 3452, 3453.)

### AMENDMENTS

1998—Pars. (4), (5). Pub. L. 105-384 renumbered par. (4) defining “exclusive economic zone” as par. (5) and made technical amendment to reference in original act which appears in text as reference to section 1802 of this title.

1995—Par. (3). Pub. L. 104-43, § 303(1), added par. (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 104-43, § 303(2), added par. (4) defining “exclusive economic zone”. Former par. (4) redesignated (5).

Pub. L. 104-43, § 303(1), redesignated par. (3) defining “Council” as (4).

Par. (5). Pub. L. 104-43, § 303(2), struck out par. (5) which read as follows: “The term ‘fisheries zone’ means the waters included within a zone contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal State, and the outer boundary is a line drawn in such a manner that each point on it is two hundred nautical miles from the baseline from which the territorial sea is measured; or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States.”

Pub. L. 104-43, § 303(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Pars. (6) to (11). Pub. L. 104-43, § 303(1), redesignated pars. (5) to (10) as (6) to (11), respectively.

1977—Par. (4). Pub. L. 95-33 struck out the comma between “zone” and “contiguous”, substituted “two hundred” for “200”, and substituted a semicolon for a comma after “is measured”.

1976—Par. (4). Pub. L. 94-265, which directed the substitution of “the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of each coastal state, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured,” for “the fisheries zone established pursuant to the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)”, was executed by making the substitution for “the entire zone established by the United States under the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094)”, to reflect the probable intent of Congress.

### EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-265, title IV, § 405(b), Apr. 13, 1976, 90 Stat. 361, provided that the amendment made by section 405(a) of Pub. L. 94-265 to this section was to take effect Mar. 1, 1977, prior to the general amendment of title IV of Pub. L. 94-265 by Pub. L. 104-297.

### SHORT TITLE OF 1995 AMENDMENT

Pub. L. 104-43, title III, § 301, Nov. 3, 1995, 109 Stat. 382, provided that: “This title [enacting sections 971j and 971k of this title, amending this section and sections 971b, 971c to 971e, 971h, and 971i of this title, and enacting provisions set out as a note under section 971c of this title] may be cited as the ‘Atlantic Tunas Convention Authorization Act of 1995’.”

### SHORT TITLE

Pub. L. 94-70, § 1, Aug. 5, 1975, 89 Stat. 385, provided: “That this Act [enacting this chapter and provisions set out below] may be cited as the ‘Atlantic Tunas Convention Act of 1975’.”

### SEPARABILITY

Pub. L. 94-70, § 12, formerly § 11, Aug. 5, 1975, 89 Stat. 394; renumbered § 13, Pub. L. 105-384, title II, § 202(b)(1)(D), Nov. 13, 1998, 112 Stat. 3452; renumbered